

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:07CR117

UNITED STATES OF AMERICA

VS.

ROBERT KEITH ROSS

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ORDER

THIS MATTER is before the Court on Defendant's motion for "complete discovery, lab reports, transcript of sentencing hearing and statement of reasons," and any and all documents that contain his name, date of birth and social security number. **Defendant's Motion to Attain Case Documents, filed April 8, 2009.** Defendant also states that the request is addressed to "all levels of Government" involved in the prosecution of his case. The Court assumes the requested documents and transcript are to be provided at Government expense, although Defendant fails to specifically mention this in his motion. While the Court will direct the Clerk to furnish Defendant copies of his Judgment and the

Statement of Reasons, his motion for copies of the remaining documents and the sentencing transcript is denied.

Defendant states these documents are needed “for upcoming [c]hallenges and or [s]entence [c]orrection [p]roceeding.” **Defendant’s Motion, *supra***. The Court notes the Defendant’s criminal conviction became final in mid-October 2008 and no direct appeal was filed. Federal inmates are not entitled to transcripts at Government expense absent some showing of a particularized need. ***United States v. MacCollom*, 426 U.S. 317, 326-27 (1976); *Miller v. Smith*, 99 F.3d 120, 125 n.5 (4th Cir. 1996); *United States v. Davis*, 972 F.2d 342 (table), 1992 WL 180109 (4th Cir. 1992).** “An indigent is not entitled to a transcript at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw.” ***Jones v. Superintendent, Virginia State Farm*, 460 F.2d 150, 152 (4th Cir. 1972) (quotation and citation omitted).** Moreover, the Government “may constitutionally decline to furnish an indigent with a transcript until a need for it is shown[.]” ***Id.* at 153.** The Defendant here has not made that showing.

Because the Court record does not contain any discovery materials that may have been furnished to Defendant’s trial counsel, his request for

such documents is denied. Additionally, his request for any and all documents bearing his name, date of birth, and social security number is denied for the same reason as his request for a transcript and because the request is overly broad and lacks specificity.

IT IS, THEREFORE, ORDERED that the Defendant's motion to attain case documents at Government expense is hereby **DENIED IN PART**.

The Clerk is directed to furnish Defendant copies of his Judgment of Conviction and the Statement of Reasons along with a copy of this Order.

Signed: April 9, 2009



Lacy H. Thornburg
United States District Judge

